

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YI T. DONG and RU H. ZHAO,

Plaintiffs,

06 Civ. 4973 (LAP) (DFE)

-against-

SCHEDULING ORDER

CCW FASHION, INC.,  
GOLDEN PHOENIX CLOTHING, INC.,  
53 FASHION, INC.,  
FA MING LIU a/k/a JIMMY LIU,  
BI FENG ZHOU a/k/a JOYCE ZHOU,  
MEI ZHEN LIU,

Defendants.

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YI T. DONG and RU H. ZHAO,

Plaintiffs,

07 Civ. 9741 (LAP) (DFE)

-against-

SCHEDULING ORDER

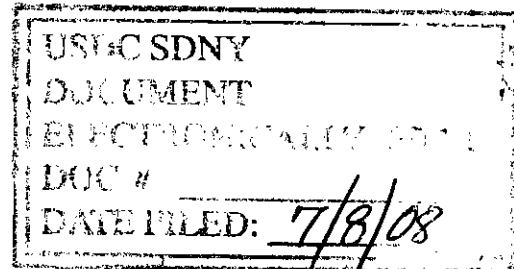
MEI ZHEN LIU and LAN ZHEN LIU,

Defendants.

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DOUGLAS F. EATON, United States Magistrate Judge.

1. On June 2, 2008, Judge Preska granted plaintiffs' motion for default judgments against defendants Mei Zhen Liu, Lan Zhen Liu, and 53 Fashion, Inc., and referred the two cases to me to conduct an inquest into damages against those three defendants. On June 20, Judge Preska entered default judgments against defendants CCW Fashion, Inc., Golden Phoenix Clothing, Inc., Fa Ming Liu, and Bi Feng Zhou and asked me to conduct an inquest into damages against the those remaining defendants. The referral means that I am to write a Report and Recommendation as to the amount of damages to be awarded against the defendants in favor of the plaintiffs (including any claim for reasonable attorneys' fees).

2. I direct the plaintiffs to send me an inquest memorandum, accompanied by supporting affidavits and exhibits, setting forth their proof of damages (and to mail copies to the defendants) no later than July 18, 2008. Plaintiffs' papers must include an affidavit, from someone with personal knowledge,



USDC SDNY  
DATE SCANNED

7/8/08 HZ

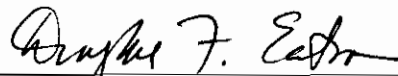
setting forth facts which establish that this district court has both personal jurisdiction over the defendants, and jurisdiction over the subject matter. With respect to each damage claim, plaintiffs must (a) set forth the proper rule for the calculation of damages and (b) set forth facts which support the calculation of an amount of damage with a reasonable degree of certainty. See *Credit Lyonnais Securities (USA), Inc. v. Alcantara*, 183 F.3d 151 (2d Cir. 1999).

3. I direct the defendants to send me any opposing memorandum, affidavits and exhibits (and to mail a copy to plaintiffs' attorney Kenneth Kimerling) within two weeks after receipt of plaintiffs' inquest memorandum, and in no event later than August 18, 2008. In these papers, the defendants must state (a) whether they request a hearing for the purpose of cross-examining plaintiffs' witnesses, and (b) whether they request a hearing for the purpose of calling their own witnesses and, if so, they must state the name and address of each witness.

4. If a hearing is requested by any party, then such a hearing will take place at 10:00 a.m. on Friday, September 12, 2008, in Courtroom 18A at the United States Courthouse at 500 Pearl Street, New York, New York.

5. If no party requests a hearing by August 18, 2008, then I will make my decision solely on the basis of the memoranda and affidavits without oral argument.

6. As to Paragraph 3, I do not expect Bruce Fenton, Esq. to send me any papers, because his June 24, 2008 letter to me states that "the defendants have continued to ignore [Mr. Fenton's] attempts to communicate with them." I direct Mr. Fenton to serve copies of this Scheduling Order as soon as possible upon each of the defendants at their last known addresses. The defendants will then be personally responsible to send me any of the papers described in Paragraph 3; they cannot expect Mr. Fenton to act for them unless they send me an affidavit, no later than July 22, 2008, showing why Mr. Fenton ought to bear such responsibility.



DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
July 8, 2008

Copies of this Scheduling Order were mailed on this date to:

Kenneth Kimerling, Esq.  
Asian American Legal Defense  
99 Hudson Street  
New York, NY 11355

Bruce Fenton, Esq.  
48 Wall Street, Suite 1100  
New York, NY 10005

**(I direct Mr. Fenton to serve copies of this Scheduling Order  
upon each of the defendants at their last known addresses.)**

Hon. Loretta A. Preska